IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 7400 OF 2006

Ramprasad K. Agrawal. .. Petitioner.

vs.

Suresh Pyarelal Agrawal

& Ors. . .. Respondents.

Mr. Rameshwar N. Gite for petitioner.

CORAM : A.P. DESHPANDE, J.

DATE : 10th November, 2006.

P.C.

. The present petitioner is a judgement-debtor against whom a suit was filed in the year 1992 and a decree was passed in the year 1993. It is the case of the petitioner that he got knowledge of the ex-parte decree in the year 2000. The property came to be attached and sold in execution of the decree by holding an auction. The purchaser of the property has been issued sale certificate and thereafter a possession warrant has been issued against the petitioner. The petitioner has neither challenged the ex-parte decree nor he seems to have objected to the execution proceedings before the Executing Court and straightaway a writ petition has

been filed. The writ petition is wholly misconceived. Hence, the writ petition is summarily dismissed. It will be open for the petitioner to take out appropriate proceedings before the appropriate forum.

(A.P. Deshpande, J.)